HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL No.65 OF 2007

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Between:

Smt.C. Rama Devi

.... Appellant

AND

The District Collector, Ranga Reddy District,
Hyderabad & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri V.R. Avula

Counsel for respondent Nos.1 to 5 : Government Pleader for
Land Acquisition.

Dated: 22.01.2007

Per G.S.SINGHVI, CJ

This appeal is yet another attempt to secure release of a portion of land measuring Acs.19.34 guntas comprised in Survey Nos.220 and 221 of Kapra Vilage, Keesara Mandal, Ranga Reddy District, which was acquired by the State Government in 1966 for establishment of Nuclear Fuel Complex.

In paragraph 3 of the affidavit filed by her in support of the writ petition, appellant, Smt.C.Rama Devi, wife of C.Lakshma Reddy, has averred that after issue of G.O.Ms.No.375, dated 07.09.2002 by the State Government under Section 48(1) of the Land Acquisition Act, 1894 (for short, 'the Act') for withdrawing the subject lands from acquisition qua the legal heirs of M.Ram Reddy namely, M.Syamala and her sons, M.Umma Reddy and others filed Writ Petition No.22310 of 2003, which was dismissed by the learned Single Judge on 16.11.2006 with some observations. In paragraph 5 of the affidavit, the appellant averred that representation dated 12.12.2006 submitted by her to Special Deputy Collector, Land Acquisition (Industries), Hyderabad (respondent No.4) for submitting revised proposals to the government by deleting the names of M.Syamala and her sons and restoring the names of the original owners namely, M.Ranga Reddy, M. Venkat Reddy and M.Yella Reddy, was arbitrarily rejected.

We have heard learned counsel for the parties and perused the record. Admittedly, five writ petitions, four writ appeals and three special leave petitions filed by different members of the joint family which owned the land were dismissed by the Single and Division Benches of this Court and the Supreme Court. The details of these cases are as under:

"1. Writ Petition No.24641 of 2005
2. Writ Appeal No.2335 of 2005
3. Special Leave Petition No.1470 of 2005
4. Writ Petition No.17191 of 2006
5. Special Leave Petition No.18556 of 2006
6. Writ Petition No.18864 of 2006
7. Writ Appeal No.954 of 2006
8. Special Leave Petition No.20002 of 2006
9. Writ Petition No.22310 of 2002
10. Writ Petition No.25091 of 2006"

The writ petition filed by the appellant was dismissed by the learned Single Judge, who declined to accept the submission of Shri V.R. Avula, learned counsel for the appellant that his client is entitled to relief in view of the observations made by the learned Single Judge in Writ Petition No.22310 of 2003 decided on 16.11.2006.

Learned counsel for the appellant made a feeble attempt to distinguish the earlier orders and judgments by arguing that the issue raised in the writ petition filed by the appellant is substantially different than those raised in the previous litigation, but we have not felt impressed, and in our opinion, the appeal is liable to be dismissed in terms of judgment dated 20.12.2006 rendered in Writ Appeal No.1325 of 2006. Ordered accordingly.

The detailed reasons recorded in judgment dated 20.12.2006 rendered in Writ Appeal No.1325 of 2006 (M. Saraswathi v. The District Collector, Ranga Reddy District) shall be read as part of this judgment.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.101 of 2007 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

22.01.2007

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